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1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

3 UNITED STATES OF AMERICA,

4 v.

17 CR 630 (ER)

5 MARK S. SCOTT,

6 Defendant.

7 -----x
8 New York, N.Y.
9 November 21, 2019
9:20 a.m.

10 Before:

11 HON. EDGARDO RAMOS,

12 District Judge

13 APPEARANCES

14
15 GEOFFREY S. BERMAN,
16 United States Attorney for the
17 Southern District of New York
18 CHRISTOPHER DiMASE
19 NICHOLAS FOLLY
20 JULIETA V. LOZANO
21 Assistant United States Attorneys

22 COVINGTON & BURLING LLP
23 Attorneys for Defendant

24 BY: ARLO DEVLIN-BROWN
25 KATRI STANLEY

-AND-

DAVID M. GARVIN

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Deliberations

1 (In open court; jury not present)

2 MR. DiMASE: Good morning, your Honor. We're very
3 sorry. We didn't realize we were required to be here at 9 a.m.
4 today.

5 THE COURT: Me either until I got in this morning and
6 saw the letter. But we also need to get the exhibits together
7 and get them for the jury.

8 MR. DiMASE: Yes. The paralegals on our end are
9 burning a disc, we have a clean laptop. We are hoping it will
10 be ready by 9:30, but if not 9:30, shortly thereafter.

11 MR. DEVLIN-BROWN: On the exhibit issue, would the
12 idea be for the defense to put our exhibits on a USB drive and
13 put it on the same laptop?

14 MR. DiMASE: However they'd like to do it, paper or
15 digital. We do have a list of all of the exhibits which we're
16 happy to share with the defense. They can check it, they can
17 look at the descriptions. They are very sterile descriptions.
18 We tried to keep them that way.

19 THE COURT: You described the exhibits?

20 MR. DiMASE: Say it again?

21 THE COURT: You described the exhibits?

22 MR. DiMASE: It says, for example, "e-mail from Mark
23 Scott to Ruja Ignatova dated" whatever. That's the level of
24 detail. So that the jury can use it to try to find something
25 if they are looking for it. Otherwise, it's kind of a useless

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1 document. But there is no subject line. There is no content.

2 THE COURT: Let them see it.

3 MR. DEVLIN-BROWN: Yes. I haven't heard of that
4 practice before. It doesn't necessarily sound appropriate to
5 have a extrajudicial document guiding them through the
6 exhibits. And certainly I think we'd want to see it and have an
7 opportunity to put our exhibits on there, and we are just
8 hearing about this now.

9 MR. DiMASE: That's fine. There are so many e-mails
10 in this case.

11 THE COURT: I understand. But you only have the
12 government exhibits on that list?

13 MR. DiMASE: Right now, yes, that's correct. If the
14 defense wants to provide us with their list, we are happy to
15 incorporate it. That's not an issue.

16 MR. DEVLIN-BROWN: We didn't know we were doing that.
17 But, we'll work it out, if you can maybe send us --

18 MR. DiMASE: If the Court prefers, we don't have to
19 send that back.

20 THE COURT: Let's not do that. I'm more concerned
21 about getting them the actual exhibits that are in evidence as
22 soon as possible.

23 MR. DiMASE: Understood.

24 Your Honor, we haven't fully researched the issues
25 raised in the defendant's letter of late last night. So if the

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1 Court is inclined to grant this request, we would ask for a
2 little bit more time.

3 But, in brief, based on what we have looked at, first
4 of all, this is way too late in the game. This is basically
5 sandbagging the government after the closings. The government
6 could have addressed these issues in the closing statements if
7 that was known to the government that this kind of request
8 would be made. So, it's too late in the game for this kind of
9 instruction be given.

10 But more to the point, your Honor, these cases appear
11 to be pretrial motions, not jury instructions. It is a
12 completely different context. And in any event, there is ample
13 evidence in the record that this was not an extraterritorial
14 wire scheme that happened all outside the United States.
15 There's recording of Ruja discussing the opening of the U.S.
16 market. That's in evidence. There are two victims in the
17 United States who testified about investing and about the
18 promoters who introduced them to the wire fraud scheme here in
19 the United States.

20 In light of that evidence, this instruction just isn't
21 needed. It doesn't add anything to the instructions that the
22 the Court has already given. The issue of extraterritorial
23 wire fraud is not really an issue in this case. And of course
24 there were also meetings, OneCoin meetings and conferences,
25 here in the United States as the witnesses testified.

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1 MR. GARVIN: Yes, your Honor. Your Honor, when we
2 went through the jury instructions yesterday evening with
3 Mr. Scott, Mr. Scott said I'm confused, does that -- does that
4 mean that if Ruja Ignatova and their OneCoin scheme raised \$100
5 million in China, but did not raise any of those proceeds from
6 the wire fraud in China from anyone located in the United
7 States, and IMS sent the \$100 million to me in the Cayman
8 Islands, is that wire fraud under 1343 a crime in the United
9 States. And I told him no. He said, well, I'm reading pages
10 14 and 15 of these instructions, and it seems like it is. And
11 I said, well, wire fraud in the United States is a domestic
12 type of statute. It has been held not to have extraterritorial
13 reach. There has to be some connection to the United States.

14 For example, if there was a wire fraud in the United
15 States and Mr. Horn sent his money to Mr. Mark Scott, even
16 though your account was in the Caymans, that would make wire
17 fraud a specified unlawful activity. He said, well, I
18 appreciate that, but that never happened. And the way that it
19 is written now, I could be convicted on crimes that occurred in
20 Germany or in Singapore, wire frauds that happened in those
21 jurisdictions, the proceeds of those wire frauds being sent to
22 Fenero in Cayman, never being sent to the United States. And I
23 don't think that that's right. Please move this Honorable
24 Court to try to solve that problem before the jury starts to
25 deliberate.

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1 So, your Honor, I spent a few hours yesterday looking
2 at the cases. And trying to in my own mind formulate what the
3 issues were. And I can give the government a copy. Your
4 Honor, may I approach to hand up a document? It just basically
5 has some cites of cases and the issue as I -- but, ultimately,
6 I ended up relying primarily on the cases cited on the proposed
7 jury instruction and tried to formulate a supplemental
8 instruction that would cure the problem that at the same time
9 not be objectionable to the United States.

10 I think I've pretty much described what is the
11 problem. To be proceeds of a specified unlawful activity, if
12 that unlawful activity is wire fraud, then the proceeds of that
13 wire fraud have to started in the United States, at least a
14 portion of them. And because if they are proceeds of a wire
15 fraud in Germany, because it's not an extraterritorial statute,
16 under 1343, cannot be the proceeds of an unspecified unlawful
17 activity. And therefore, money laundering can't have occurred
18 if the specified unlawful activity is not present.

19 So, what we have here are charts that show vast
20 amounts of money coming from different parts of the world. But
21 if those funds were from a wire fraud in those particular
22 countries, that is not a wire fraud under 1343 and not a
23 specified unlawful activity. And if the jury convicts
24 Mr. Scott because it finds that OneCoin -- this is only an
25 example -- OneCoin committed a wire fraud in Singapore and

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1 raised \$100 million, and sent that \$100 million to the Cayman
2 Islands to the Fenero Funds, that would be incorrect.

3 But we see that the way that things stand right now,
4 that actually might happen unless we can convince both the
5 United States and this Honorable Court that we have to prevent
6 that, because quite frankly, I don't think there is anybody in
7 this courtroom that would ever want to try this case twice.
8 And since the jury has not started to deliberate, I will note
9 that the United States yesterday saw a mistake that both
10 parties made, and got to the Court's attention, and the Court
11 was able to address it with counsel.

12 THE COURT: That was a very different type of mistake.
13 That was just a failure to put in language that everyone agreed
14 should be in. This is new.

15 MR. GARVIN: Well, perhaps we will be able to agree to
16 some language, your Honor. But, I think that it is a true
17 statement that since the Supreme Court has ruled and I think it
18 was -- I'm trying to use my --

19 MR. DiMASE: Your Honor --

20 MR. GARVIN: That was RJR Nabisco, that's at 136 S.Ct.
21 2090. I believe that in that particular case, the Court
22 reversed the Second Circuit to make its decision.

23 But the case that we rely upon now, in European
24 Community, which is a Second Circuit case, 764 F.3d 129, it
25 says that "We therefore hold that a claim predicated on mail or

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1 wire fraud involves sufficient domestic conduct when (1) the
2 defendant used domestic mail or wires in furtherance of a
3 scheme to defraud; and (2) the use of the mail or wires was a
4 core component of the scheme to defraud."

5 So, we see that there is a potential problem, we're
6 bringing it to this Honorable Court's attention, and hopefully,
7 or at least requesting that we attempt to address this problem
8 before the jury starts to deliberate.

9 MR. DiMASE: Your Honor, just briefly. First of all,
10 the time period for making these kinds of objections passed.
11 We're after the closings.

12 Secondly, this is a legal issue. If the defendant
13 wanted to raise this as a legal defense in a motion to dismiss,
14 that time has passed. That's what this case is about. It is
15 not about the jury instructions, it is about pretrial motions.
16 So, the time to make a legal argument to this Court about
17 extraterritoriality has passed.

18 We are now at the jury instruction stage, and the jury
19 instructions are correct. They correctly lay out the elements
20 of wire fraud, and I'll point the Court and counsel to page 15,
21 "The third and final element that the government must prove
22 beyond a reasonable doubt is that in the execution of that
23 scheme, one or more participants in the scheme used or caused
24 the use by others of interstate or foreign wires (for example,
25 wire transfers, phone calls, e-mail communications, or text

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1 messages). An interstate wire is a wire that passes between
2 two or more states. A foreign wire is a wire that passes
3 between the United States and someplace outside the United
4 States."

5 That is the jurisdictional element of wire fraud. It
6 captures the concept of jurisdiction here in the United States.
7 And the jury has been properly instructed about that element.
8 The instructions by the defense are not instructions regarding
9 the elements of the crime. They are not part of the typical
10 and standard instructions on wire fraud, and they do not need
11 to be given to the jury.

12 MR. GARVIN: Your Honor, may I respond to that very
13 briefly?

14 THE COURT: Sure.

15 MR. GARVIN: I don't agree with counsel that this is
16 limited to a pretrial motion to dismiss. I believe also that I
17 recall that Mr. Devlin-Brown had moved for Rule 29, and as to
18 the money laundering aspect that was preserved. And at this
19 point, I believe that the standard is that a request for a jury
20 instruction that is an accurate statement of the law, and prior
21 to the jury deliberating, should be considered by the Court.
22 And it is up to the Court to make a decision as to whether the
23 requested jury instruction would aid the jury in understanding
24 and applying the facts to the law.

25 I'm repeating myself that the way that the pages 14

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1 and 15 of the jury instructions are currently written, that
2 there is a significant chance that Mr. Scott could be convicted
3 on a wire fraud scheme that took place in Singapore, resulting
4 in OneCoin obtaining hundreds of millions of dollars, and
5 transferring those funds to the Cayman Islands into the Fenero
6 accounts. And the proceeds of that illegal activity would not
7 have been sourced in the United States, would have no
8 connection to the United States, and could he could still be
9 found guilty.

10 THE COURT: Is your argument premised on the fact that
11 no wire fraud activity took place in the United States?

12 MR. GARVIN: My argument is premised on there appears
13 to be no evidence that the proceeds of a wire fraud that took
14 place in the United States --

15 THE COURT: I understand that. But, is it premised on
16 the fact that no wire fraud activity took place in the United
17 States?

18 MR. GARVIN: No, I think that the government has put
19 on two witnesses, both Linda Cohen and Mr. Horn, that said
20 there was wire fraud activity that took place in the United
21 States. Because they sent their funds as a result of what they
22 said were misleading or outright lies to them. So, I don't
23 think that I can answer that that's my position, no, your
24 Honor.

25 THE COURT: Okay.

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1 MR. DEVLIN-BROWN: Could I -- just sorry to tag team.
2 Could I make two quick points, your Honor?

3 THE COURT: Absolutely.

4 MR. DEVLIN-BROWN: Thank you. So, I think the issue
5 that you just asked Mr. Garvin about, is not that there's no
6 conduct in the wire fraud scheme in the U.S. The issue would
7 be if it's de minimus, and if 98 percent of the wire fraud
8 activity is aimed outside the United States, you have some
9 minor activity in the U.S. That's the issue where the
10 extraterritorial reach of the statute could be questioned under
11 some of the law we cited.

12 The only other point I want to clarify is to
13 Mr. DiMase's point that this would be a pretrial jurisdictional
14 motion. I disagree with that. Because Mr. Scott's not charged
15 with wire fraud. He is charged with money laundering. Money
16 laundering has a pretty broad jurisdictional reach. We didn't
17 make a pretrial motion on that. The issue is the SUA for money
18 laundering, which was specified as wire fraud in one of the
19 final superseding indictments. There's two questions. One is
20 whether there is sufficient evidence of the SUA, and we did
21 make a Rule 29 and we'd like the opportunity at whatever
22 appropriate point to fully brief that, because that would be
23 part of that, and the other issue is simply should the jury,
24 could the jury benefit from some further instructions on wire
25 fraud.

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1 I think giving an instruction that tracks Second
2 Circuit language, I certainly don't think there is any problem
3 with that. I think it could add clarity for the jurors and
4 could be to the benefit of all parties, frankly.

5 MR. DiMASE: Judge, the defense knew from the
6 beginning of this case that wire fraud was the SUA. We
7 disclosed that very early on. So the argument that they only
8 found out at the time of the superseding indictment is not
9 accurate. And they had a full opportunity, SUA is part of the
10 money laundering conspiracy charge, it is an element of the
11 charge. It would be appropriate to move on a jurisdictional
12 basis to dismiss pretrial if that was the real concern here.

13 And as far as the facts of this case, I mean, I don't
14 know where the term de minimis is in the cases. I am not sure
15 I saw that.

16 But in any event, the evidence in this case is clear
17 there was not a de minimis impact on the U.S. There was plenty
18 of evidence about conferences here, about promoters here, about
19 people sending wires internationally as a result of those of
20 OneCoin's activities, of Ruja's opening of the U.S. market, I
21 mean, that hardly constitutes de minimus involvement with the
22 United States.

23 But the bottom line, the most important point is these
24 are the jury instructions given in this district on a regular
25 basis that accurately set forth the elements of wire fraud, and

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1 the jurisdictional element requiring that wires pass between
2 U.S. states or internationally, which is the jurisdictional
3 element of wire fraud, is clearly defined in these jury
4 instructions. And no further instruction is needed.

5 THE COURT: I'm not going to give the instruction. I
6 think that as the parties agreed before last night, the
7 instruction that was given concerning wire fraud is an
8 appropriate instruction. There is evidence in the record
9 concerning domestic transactions that are part of the alleged
10 wire fraud scheme. I cannot characterize them as de minimus.
11 The two victim witnesses that did testify -- I'm sure more
12 could have testified, I assume -- each indicated that they were
13 part of a larger group of people that invested in OneCoin.
14 There was testimony by Mr. Horn about various conferences that
15 he went to, including one several states away.

16 So there is certainly sufficient information for the
17 jury to determine that venue is appropriate here, and that
18 jurisdictionally there were or could have been wires, both
19 foreign and domestic wires, that traveled between states and
20 foreign jurisdictions. So I don't think the instruction is
21 necessary.

22 Now, get those exhibits ready.

23 MR. DiMASE: Your Honor, we have a copy of the list we
24 described which we can share with defense counsel, and I think
25 we may have another copy that we can share with the Court to

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1 review as well to give a sense of what we prepared.

2 Judge, it turns out we have one copy. We are getting
3 another copy. We've provided it to the defense to look at.

4 THE COURT: I don't need to see it if they are okay
5 with it.

6 MR. DiMASE: Okay.

7 (Pause)

8 MR. GARVIN: Your Honor, counsel was nice enough to
9 show us the government's list, but the defense objects to that
10 list with all those descriptions on there. Our position is
11 that there should not be an index prepared by the government
12 that goes back with the jury that's not in evidence.

13 THE COURT: Okay. It will not go.

14 MR. DiMASE: We do have a clean laptop and a disc
15 containing all of the government exhibits ready at this stage.

16 THE COURT: Let's get it back to them.

17 MR. DiMASE: Say it again?

18 THE COURT: Let's get it back to them.

19 MR. DiMASE: Okay, we also have printed copies of --
20 we also have printed copies of all of the e-mails. We're happy
21 to send the printed copies along with the disc and the laptop.
22 The bank records are not printed out because it would be too
23 voluminous. But we're fine just sending the CD or the CD and
24 the printed e-mails.

25 THE COURT: Send them both.

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1 MR. DiMASE: Okay.

2 THE COURT: And when are you guys going to be ready?

3 MR. DEVLIN-BROWN: We are just making the final
4 redaction based on something yesterday, and we'll have a binder
5 of defense exhibits and a USB drive that presumably can go into
6 the same --

7 MR. DiMASE: We can make sure it works. That's not a
8 problem.

9 MR. DEVLIN-BROWN: Okay. Perhaps we can copy it on
10 the hard drive of the laptop? Make it easier.

11 MR. DiMASE: That's fine, if it works. We can do that
12 with the disc as well.

13 THE COURT: All the jurors are here. So get that done
14 as soon as possible so we can get it into them. I am going to
15 go upstairs, and let me know if you need me.

16 (Recess pending verdict)

17 (In open court; jury not present)

18 MR. GARVIN: Your Honor, I apologize for not saying
19 this earlier, but it dawned on me that I may not have
20 adequately protected the record for Mr. Scott on that last
21 matter. Because I didn't actually say that we objected to the
22 Court's instructions on pages 14 and 15 and the Court's ruling
23 on not supplementing it. I'm not stating that to reargue it.
24 I just wanted to make sure, if someone ever reads the
25 transcript, I tried to protect it by stating that the defense

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1 objects. I appreciate the opportunity to put it on the record.

2 THE COURT: Okay. Where are you guys on the exhibits?

3 MR. FOLLY: The paper versions we have ready on the
4 government's side. I believe defense counsel's --

5 MR. DEVLIN-BROWN: There is one we are adding, but we
6 can send this back and we're happy to put it in a folder and
7 send it later. Whatever you prefer.

8 MR. FOLLY: That's fine. Separately, the laptop, we
9 are --

10 THE COURT: What's going back? So that binder?

11 MR. DEVLIN-BROWN: Yes.

12 MS. LOZANO: And these are all the e-mails.

13 THE COURT: So let's roll that back so we can get it
14 in there, Ms. Guerrero.

15 What are these charts, some of these charts?

16 MS. LOZANO: All of these are, yes, but they're also
17 on the disc. We can send them back now or if they ask for
18 them.

19 THE COURT: Let's get everything back.

20 MR. DEVLIN-BROWN: I suppose we should put our box in
21 there as well.

22 THE COURT: Is that an exhibit, the box?

23 MR. DEVLIN-BROWN: All the records in it are, yes. At
24 least it evens it out a little bit.

25 THE COURT: Mr. Devlin-Brown, you had another binder

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1 that's going back you said?

2 MR. DEVLIN-BROWN: No, it's in there.

3 THE COURT: Okay. Unless there is anything else, I'm
4 going to absent myself.

5 MR. DEVLIN-BROWN: Thank you.

6 (Recess pending verdict)

7 (In open court; jury not present. Time noted
8 10:25 a.m.)

9 THE COURT: We have received two notes from the jury.
10 Court Exhibit 2, "Can we have an easel and sticky notes?" And
11 Court Exhibit 3, "Are we allowed to see 2701 (the summary
12 timeline)?"

13 Is there a hard copy of the summary timeline that went
14 in or were those just e-mails?

15 MR. FOLLY: Your Honor, we believe there is a hard
16 copy that was included in what went back. But we can also
17 print an additional copy just to make sure.

18 THE COURT: Okay. Let's do that. Actually let's
19 print up several copies.

20 MR. FOLLY: Yes, your Honor.

21 THE COURT: We will respond to these notes. I don't
22 think there is any need to bring them out.

23 MR. DEVLIN-BROWN: No.

24 MS. LOZANO: No.

25 THE COURT: We'll get you copies of these notes. They

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1 are not signed, by the way, so we don't know --

2 MS. LOZANO: Your Honor, we have a few pads of sticky
3 notes. I'm not sure if the Court has already provided that to
4 the jurors or not.

5 THE COURT: We'll send those back.

6 MS. LOZANO: Okay.

7 THE COURT: How long do you think that will take?

8 MR. FOLLY: Probably 10 minutes, your Honor.

9 THE COURT: When they get here, just give them to
10 Ms. Guerrero and she'll take them in to the jury.

11 MS. LOZANO: Okay.

12 (Recess pending verdict)

13 (Continued on next page)

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Verdict

(In open court; jury not present)

THE COURT: Is everyone here?

MR. GARVIN: Yes.

THE COURT: We have received a note from the jurors. It will be marked Court Exhibit 4. It reads "We have reached a verdict." Signed by the foreperson.

Before I bring the jury out, does either side wish me to poll the jury?

MR. DEVLIN-BROWN: Yes, your Honor.

THE COURT: Very well. The jury will be polled. Ms. Rivera.

Just so the parties are aware, it is my custom to speak with the jury briefly afterwards. I don't discuss the substance of the case. I ask about the process and how, if at all, we can make the process better for the jurors.

(Jury present. Time noted 1:30 p.m.)

THE COURT: Ladies and gentlemen, we have received a note which has been marked Court Exhibit 4. It reads "We have reached a verdict." And it's signed by your foreperson.

Who is the foreperson?

JUROR NO. 1: I am, your Honor.

THE COURT: Will you please stand up, sir.

Ms. Rivera, will you please get the verdict.

Ms. Rivera, please take the verdict.

THE DEPUTY CLERK: As to Count One, conspiracy to

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Verdict

1 commit money laundering, guilty or not guilty?

2 THE FOREPERSON: Guilty.

3 THE DEPUTY CLERK: Count Two, conspiracy to commit
4 bank fraud, guilty or not guilty?

5 THE FOREPERSON: Guilty.

6 THE COURT: Sir, you may be seated. I'm now going to
7 ask a question of each of you. The answer to the question is
8 yes or no.

9 Juror No. 1, is this your verdict?

10 JUROR NO. 1: Yes.

11 THE COURT: Juror No. 2, is this your verdict?

12 JUROR NO. 2: Yes.

13 THE COURT: Juror No. 3, is this your verdict?

14 JUROR NO. 3: Yes.

15 THE COURT: Juror No. 4, is this your verdict?

16 JUROR NO. 4: Yes.

17 THE COURT: Juror No. 5, is this your verdict?

18 JUROR NO. 5: Yes.

19 THE COURT: Juror No. 6, is this your verdict?

20 JUROR NO. 6: Yes.

21 THE COURT: Juror No. 7, is this your verdict?

22 JUROR NO. 7: Yes.

23 THE COURT: Juror No. 8, is this your verdict?

24 JUROR NO. 8: Yes.

25 THE COURT: Juror No. 9, is this your verdict?

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Verdict

1 JUROR NO. 9: Yes.

2 THE COURT: Juror No. 10, is this your verdict?

3 JUROR NO. 10: Yes.

4 THE COURT: Juror No. 11, is this your verdict?

5 JUROR NO. 11: Yes.

6 THE COURT: Juror No. 12, is this your verdict?

7 JUROR NO. 12: Yes.

8 THE COURT: So say you all.

9 Ladies and gentlemen, your job as jurors has now
10 ended. And on behalf of the parties and the court system, I
11 want to thank you for your service. I hope you appreciate what
12 an important role you play in our justice system. It is a
13 defining aspect of our criminal justice system that when we
14 have these very difficult decisions to make, we literally turn
15 to our neighbors, and depend on your collective wisdom to help
16 us figure out these very, very difficult issues. So thank you.

17 And I hope that when you return home, when you come
18 across friends and family members who lament the fact that they
19 received a letter to appear for jury duty, that you tell them
20 just how important it is, and how important it is that we all
21 take part in this process.

22 You are now relieved. You can speak about this case
23 with whomever you want, or speak about it with no one. Some of
24 the lawyers or some of the participants may want to ask you
25 questions as you leave. If you wish to speak with them, feel

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1 free to do so. If you do not want to speak with them, just
2 politely tell them so and go back to your normal life.

3 I am going to ask you for a couple of minutes to wait
4 in the jury room so I can come in. Okay.

5 (Jury dismissed)

6 THE COURT: Mr. Garvin or Mr. Devlin-Brown, did you
7 wish to make a motion?

8 MR. DEVLIN-BROWN: We would renew our Rule 29 motion
9 and would like, if it's okay with the Court, until December 20
10 to brief a Rule 29, Rule 33 motion.

11 THE COURT: Very well. Anything from the government?

12 MR. DiMASE: One moment. We do have a bail
13 application, your Honor. I don't know if you want to address
14 the jury first. I imagine it's going to be opposed, so it may
15 take a little while to resolve.

16 THE COURT: Okay. So then give me five minutes.

17 MR. DiMASE: Thank you.

18 (Recess)

19 (In open court)

20 THE COURT: Mr. DiMase.

21 MR. DiMASE: Yes, your Honor. At this stage we are
22 seeking the remand of the defendant. I'm prepared to argue if
23 the Court is ready to go forward.

24 THE COURT: Okay.

25 MR. DiMASE: Your Honor, the circumstances have

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1 dramatically changed for Mr. Scott at this point, and the law
2 recognizes the difference between individuals who are released
3 on bail pending trial and bail circumstances pending sentence.

4 Specifically, Section 3142 regarding bail pending
5 trial, the standard there is the defendant shall be released on
6 recognizance or bond unless the judicial officer determines
7 that such release will not reasonably assure the appearance of
8 the person or endanger the safety of any other person.

9 Whereas the standard flips entirely for bail pending
10 sentence under Section 3143, which provides that the defendant
11 shall be detained unless the judicial officer finds by clear
12 and convincing evidence that the person is not likely to flee,
13 or pose a danger to the safety of a person or the community.

14 And the government's argument here is that the
15 defendant cannot show by clear and convincing evidence that he
16 does not pose a serious flight risk.

17 Obviously, Mr. Scott had every right to go to trial.
18 He obviously believed he had a chance at succeeding. He has
19 now been convicted. The circumstances are therefore entirely
20 different with respect to his state of mind around flight. He
21 faces very, very substantial jail time in this case. Prior to
22 the superseder --

23 THE COURT: I haven't done the guidelines analysis,
24 Mr. DiMase. Have you?

25 MR. DiMASE: We did the guidelines analysis prior to

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1 the superseder with the additional 30 years. So, the defendant
2 now faces a statutory maximum of 50 years' imprisonment between
3 the 20 years on the money laundering count and the 30 years on
4 the bank fraud count. When we calculated the guidelines on the
5 money laundering count alone, the lower end of the guidelines
6 was above 20 years, meaning that the guideline sentence
7 therefore became 20 years because that was the statutory
8 maximum.

9 So for purposes of this proceeding, at least 20 years
10 is the guidelines range that Mr. Scott now faces. And that is
11 driven largely by the massive amount of money that was involved
12 in the underlying scheme, and in the laundering, frankly.

13 So, he faces a very substantial amount of prison time,
14 and here the concerns, the very real concerns about this
15 defendant's likelihood of flight, Mr. Scott has access to
16 international funds that are stored in accounts all over the
17 world. As the Court knows from this trial, he set up an
18 international network of bank accounts, both related to the
19 Fenero Funds and also for himself. And the government has not
20 yet been able to trace all of the money that Mr. Scott earned
21 from the offenses here.

22 THE COURT: Do you believe he has accounts that you
23 are not aware of?

24 MR. DiMASE: We believe he does have accounts in
25 Switzerland at a minimum. There may be other accounts in the

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1 Cayman Islands that he has as well. So, yes. We believe he
2 does have accounts that we are not aware of.

3 THE COURT: What's the basis of that?

4 MR. DiMASE: Well, one big issue, your Honor, is \$50
5 million was traced to him in some way or another coming to
6 accounts, but only a portion of that was ultimately identified
7 and seized by the government. So there are substantial amounts
8 of money that are missing from that large amount of money that
9 he earned through the criminal conduct.

10 THE COURT: What percentage of that were you able to
11 either seize or track?

12 MR. DiMASE: I think it might be in the ballpark of
13 half. Between -- but some of it has been seized in terms of
14 bank accounts, some has been seized in terms of property
15 purchased with criminal proceeds such as Porsches, houses. My
16 ballpark estimate is somewhere in the ballpark of 25 million.

17 THE COURT: Okay.

18 MR. DiMASE: And the concern is the access to a
19 significant amount of money that he could use to both flee and
20 also to live off of if he does flee.

21 The second serious issue here is the defendant's
22 foreign ties. His mother lives in Germany. He is a German
23 citizen. And as we have discussed in prior proceedings before
24 this Court, it is the government's understanding that Germany
25 will not extradite its own citizens back to the United States.

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1 So, basically, that means all that Mr. Scott has to do is find
2 a way to get to Germany using the money that the government has
3 not been able to seize, and he can basically live the rest of
4 his life free from the sentence imposed by this Court.

5 THE COURT: Do you have his passports?

6 MR. DiMASE: I believe that the government does have
7 his passports. But, that takes me to the next point, the
8 conduct of the co-conspirators in this case. There is
9 substantial evidence of the use of false passports by
10 co-conspirators in this case, the use of encrypted phones and
11 other encrypted messaging services, connections to organized
12 crime. And your Honor, as the Court knows very well at this
13 stage, one of the people in this case has already disappeared
14 without a trace, the person that Mr. Scott coordinated closely
15 with in conspiring to commits the crimes.

16 THE COURT: He is in a very different situation than
17 Ms. Ignatova. The government doesn't know where she is. There
18 was some intimation that she had Russian connections. So far
19 as I know, Mr. Scott does not.

20 MR. DiMASE: The concern, your Honor, is he's part of
21 the same network of people who have access to fake passports,
22 crypto phones. The evidence shows he used a crypto phone in
23 the course of this conduct. And he has the ability to flee to
24 a place where he cannot be extradited from. That is a serious
25 risk of flight concern.

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1 THE COURT: But defense also pointed out in the
2 various points that he did all of this in his own name. He
3 created the Fenero accounts, he bought the homes, he bought the
4 cars, etc. So he wasn't engaging in the same type of
5 countersurveillance, if you will, as the co-conspirators.

6 MR. DiMASE: He did it in his own name because he
7 thought he could get away with it, and he thought he could get
8 away with it at this trial, and that's why he went to trial.
9 Now he's been convicted, he faces certain punishment, and he
10 has the ability to flee, the incentive to flee, and a place to
11 go where he cannot be extradited from.

12 But this takes me to the last point which relates to
13 his conduct while on bail. And the government sort of raised
14 this to the attention of the Court previously by virtue of a
15 restraining order.

16 Mr. Scott, after he was arrested in this case, sent
17 \$1.75 million to an attorney who is no longer on the defense
18 team. And he claimed in the paperwork that he provided the
19 banks that that was for a legal retainer, the entire \$1.75
20 million. The government subsequently restrained that money.

21 He then sent another approximately million dollars
22 through that same attorney's accounts, and then had it sent
23 back to him on the other end, which is very reminiscent of some
24 of the conduct that was the subject of this trial, the use of
25 escrow accounts to hide the illegal source of funds.

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1 But, more to the point, in April of this year,
2 Mr. Scott began negotiating the sale of a Porsche. The
3 government sought the seizure of three Porsches. When
4 Mr. Scott was arrested, one of those Porsches was seized.
5 Within a month of his arrest, a second Porsche was seized from
6 a dealership where the car was still being held by the dealer.
7 And the government is now in possession of those two vehicles.

8 The third car, which is the subject of a seizure
9 warrant that was provided to the defendant in discovery in
10 October of 2018, was sold by the defendant earlier this year,
11 even though he had the seizure warrant that showed that it was
12 subject to seizure by the government.

13 The government found out about this last night from a
14 SAR -- from a filing that was made by a bank. And we now have
15 reason to believe he knowingly violated an order of the court
16 by dissipating an asset that he knew was the subject of a
17 seizure warrant. Selling it to use the funds for himself. He
18 earned \$250,000 for that Porsche. And he appears to have used
19 it for a variety of different expenses, including to pay credit
20 cards, for personal expenses, and other things.

21 So, this is a defendant who has access to substantial
22 funds in an international network of accounts who has got
23 foreign ties including to a country where he has citizenship
24 and he cannot be extradited, who is part of a network of
25 co-conspirators who have a demonstrated track record of using

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1 false passports, encrypted messaging services, and one of whom
2 has completely disappeared. And, while on bail, the defendant
3 has flagrantly violated orders of this court.

4 All of these things under the statute governing bail
5 pending sentence show that the defendant cannot meet his burden
6 that there is clear and convincing evidence that he will not
7 flee.

8 And for those reasons, your Honor, the government
9 seeks detention at this stage.

10 THE COURT: Okay.

11 MR. GARVIN: Your Honor, in response to some of the
12 comments that counsel has made --

13 THE COURT: Can you bring the microphone closer,
14 please.

15 MR. GARVIN: Yes, sir. Counsel stated that Mr. Scott
16 was born in Germany and has the ability if he can get back to
17 Germany not to be deported from Germany.

18 Mr. Scott had surrendered his German passport, and
19 knew from the time that this case started the amounts that were
20 involved were extremely large, and he also knew what effect
21 that would have on the federal sentencing guidelines. But he
22 has complied with all the requests of the probation department.
23 In fact, Mr. Juan Nuñez spoke with me on at least one occasion,
24 and I brought it to the attention of the Court, that Mr. Nuñez
25 did not oppose taking the GPS ankle bracelet off of Mr. Scott.

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1 THE COURT: What are his current bail conditions?

2 MR. GARVIN: Well, I think it's two and a half million
3 is the bond, your Honor. I was not present for the bond
4 hearing.

5 MR. DEVLIN-BROWN: I believe it was \$750,000 cash
6 secured.

7 THE COURT: What else? Travel restrictions, ankle
8 bracelet?

9 MR. GARVIN: Yes. Ankle bracelet, travel restriction,
10 and I believe he has a curfew, too, and he has to give a
11 schedule a week in advance of where he is going to be the next
12 week. And if there are any changes in that schedule, he has to
13 contact Mr. Nuñez in advance.

14 With regard to his mother, your Honor, his mother has
15 terminal cancer. Mr. Scott would not be going back to Germany
16 to be with his mother, because unfortunately, that is not
17 likely to be what will be health-wise permitted in the next
18 several months. The person who makes arrangements for his
19 mother is Mr. Scott by telephone, and she relies upon that,
20 despite her grave condition.

21 With regard to the money, we presented evidence that
22 Mr. Scott has reported his taxes, his 2016 return he paid
23 significant taxes. And that the United States has seized
24 virtually everything with regard to bank accounts and real
25 property. Of course, those items now have liens upon them.

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1 They cannot be transferred.

2 And I think that we then really have to deal with the
3 sale of this vehicle. And your Honor, we would say that when
4 the United States took all the other vehicles, and they did not
5 take this one, Mr. Scott was under the impression that that
6 vehicle was not subject to the Court's order. And the reason
7 why that vehicle was sold was because he was out of money and
8 he needed to continue to pay his expenses just to survive. So,
9 that would be inconsistent with someone who has a vast amount
10 of cash stowed away that he would have to sell an asset to be
11 able to --

12 THE COURT: Were you aware of the seizure warrant?

13 MR. GARVIN: No, sir. I was not.

14 THE COURT: The government represents that it was
15 provided in discovery.

16 MR. DiMASE: I'll hand a copy to the defense as well,
17 and hand this up to the Court.

18 MR. GARVIN: I don't dispute it was provided in
19 discovery, your Honor. But, honestly, there were half a
20 million to a million pages of documentation produced in
21 discovery, and since the seizure had taken place previously, at
22 a time when I was not retained in the case, I did not see it
23 nor did I read it.

24 THE COURT: Okay.

25 MR. GARVIN: I would also say, your Honor, that it

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1 just seems fundamentally unfair to say that Mr. Scott has ever
2 been connected with any type of organized crime. I understand
3 that Ruja Ignatova, there was some evidence during trial that
4 she may have left because she had contacts with some people
5 that were of Russian descent. That had absolutely nothing to
6 do with Mr. Scott.

7 Mr. Scott has been with his wife and two-year-old baby
8 son this entire time. He's known this entire time the gravity
9 of the situation. He has done everything that he's been told
10 to do willingly. He's cooperated with his probation officer.
11 Whenever he's called to be someplace, he's there.

12 And in reality, I fully anticipate, your Honor, that
13 based upon his prior conduct, that you could anticipate that
14 Mr. Scott would continue to comply with probation. But also,
15 will continue to fight for his innocence in the proper and
16 legal fashion.

17 I think that Mr. Scott will -- I mean, even at this
18 very late stage, he was filing motions with the court and
19 protecting the record for appeal.

20 I would also say, your Honor, that there's more to
21 interplay about letting Mr. Scott self-report to his
22 sentencing. I think that it's not wasted on this Court that
23 when the Bureau of Prisons categorizes a defendant as to the
24 type of facility that they are going to place him in, one of
25 the things that they take into consideration is whether the

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1 person was permitted to voluntarily surrender to his
2 sentencing. And that is going to affect Mr. Scott for an
3 extended period of time.

4 So, I think that we have addressed each of the items
5 that counsel has stated. But, as far as what are his reasons
6 to stay here, because everyone that he loves is here. His
7 wife, his child, his only son, his mother has terminal cancer,
8 going -- there is no one for Mr. Scott to go with. And the
9 properties, to the extent that they were purchased prior to
10 this incident, would be all located here also.

11 So for all those reasons, we would respectfully ask
12 that this Honorable Court keep Mr. Scott on the same conditions
13 of bond and permit him to voluntarily surrender at the time of
14 his sentencing.

15 MR. DEVLIN-BROWN: Can I just add two things briefly,
16 your Honor. In terms of the missing money that they haven't
17 been able to trace. This is the first we're hearing about it,
18 and obviously, I don't have to share that. But when they are
19 seeking to remand someone based on money that they think is out
20 there, we don't have an opportunity to respond. They obviously
21 traced it into certain accounts. They could say where they
22 lost the trail, maybe we have an answer to that. But we should
23 at least have the opportunity before the Court makes some
24 assumption that there is millions and millions out there that
25 Mr. Scott has access to.

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1 I can address the 1.75 million that was transferred to
2 Mr. Nobles at the beginning of the case, because I was involved
3 at that point. As your Honor may know, there was a lengthy
4 seizure warrant, series of seizure warrants, post-indictment
5 restraining order perhaps as well, identifying certain accounts
6 at banks, not identifying others. In the early days when
7 Mr. Scott is trying to see if he has some money that is not
8 subject to a seizure warrant, he identified some to be used for
9 counsel, to be used to pay his mother's medical expenses.
10 Transferred it to Mr. Nobles. The government called us
11 afterwards and say, oh, that's a problem, that account. We
12 said, oh, it wasn't on your seizure list. Do you want to tell
13 us any others that are not on your list that we should take
14 care of? And so I think that's completely understandable.

15 The car, we are just hearing about this now as well.
16 I'd like some opportunity to investigate that. I guess the
17 government heard about it last night. I think it's quite
18 reasonable that Mr. Scott may not be parsing every piece of
19 discovery that comes through for various car meddles. They
20 took several Porsches, they didn't take another. His funds
21 have been intermingled. I think before one jumps to
22 conclusions there, one should have an opportunity.

23 This is the last thing I'll say. It is really a big
24 picture kind of perspective. Say what you want about
25 Mr. Scott, and the jury has spoken about their views of

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1 Mr. Scott. But there really is no dispute, I don't think,
2 that, first of all, he cut off contact with these people in
3 October, by October 2017 or earlier. Yes, there is those
4 e-mails in June where they are fighting about this million
5 dollar legal retainer, which the government has seized.

6 But he's came back here, he planted his roots here
7 while Ruja and others are flying all over the world. And he is
8 committed, I mean, he has been from the outset committed to
9 fight this. He is going to continue to do that. Rule 29, 33,
10 your Honor, sentencing, he is going to make arguments. The
11 guidelines, certainly any case like this, are not the only
12 factor. Appeal, and if he loses all of that, he is going to do
13 his time and he's going to come back to his family and his
14 baby. He's never shown a sign of anything other than wanting
15 to stay here and deal with this, and that remains as true today
16 as it was yesterday.

17 MR. DiMASE: Your Honor, I just want to make a couple
18 of quick points. First of all, we've had situations in other
19 cases where defendants have obtained a passport in
20 circumstances just like this and fled. So it is not
21 impossible.

22 THE COURT: How many times?

23 MR. DiMASE: I don't know exactly how many times, but
24 it happened recently in one Mr. Folly's cases.

25 MR. FOLLY: I can speak to this. This has happened to

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1 me twice in the last two years where there were situations
2 where defendants, even who are on location monitoring, cut the
3 bracelet, got a passport, and left the country, and were never
4 heard from again.

5 It is not difficult to get a passport, your Honor.
6 That is not a difficult challenge. So I'll let Mr. DiMase
7 continue. But this would be something that is very easy to
8 get. A passport is not an obstacle and neither is a GPS
9 bracelet. You can cut the bracelet. The monitoring does not
10 get triggered, it's not like the police show up the moment the
11 bracelet gets cut. You have at least a day to easily abscond
12 after cutting your bracelet, so that would not be sufficient
13 here.

14 MR. DEVLIN-BROWN: Just --

15 MR. DiMASE: Your Honor, with respect to this car,
16 this is a crime. It is a felony crime with or without the
17 order. I mean, Mr. Scott knew where the money came from that
18 he used to buy that car. He knew it was OneCoin derived. And
19 he bought it and then he sold it. And that's a transaction
20 using criminal proceeds. It is a violation of Section 1957.
21 It is a separate crime from the order.

22 The order is the bigger point. This order was
23 produced with a letter that very specifically described the
24 Porsche that was subject to the seizure warrant. It wasn't
25 hidden in 1,000 pages of discovery. And it's quite clear from

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1 what Mr. Devlin-Brown said that Mr. Scott was very focused on
2 what was the subject to seizure and not, because he was looking
3 around at his different accounts, trying to find out where the
4 unseized money was. He knew this Porsche was under a seizure
5 warrant, and he sold it anyway. He committed a crime and
6 violated the Court's order while on bail, several months before
7 trial in this case. And he continued to launder what he knew
8 was criminal money.

9 I mean, this is not somebody who can be trusted to
10 reappear after having been convicted and facing the time that
11 he is facing now. This, I mean, this is a serious violation of
12 both the law and the Court's order. And it is just something
13 that you --

14 THE COURT: Was it turned over in discovery or was it
15 a standalone letter that was sent to his lawyers?

16 MR. DiMASE: Your Honor, I don't know if you can see
17 the letter in front of you. That's the letter the government
18 produced this warrant with. And we have produced the warrant,
19 and the warrant has the VIN number in it, the warrant has the
20 type of vehicle in it, where it's registered, the license
21 plate. In the first paragraph of this letter, the discovery
22 letter in which this order was produced, it was very clearly
23 specified what the different things being seized were.

24 And the bigger picture is he knew, he knew exactly
25 where the money came from to buy this Porsche, just like the

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1 other Porsches, just like the houses, just like all of the
2 other things that Mr. Scott invested in with OneCoin money, and
3 he sold it. He sold it even though there was a seizure warrant
4 for it, the government had authority to take it. He never
5 offered to give it to us, that's for sure. And the fact that
6 we would stop looking for an asset that was subject to a
7 seizure warrant, that's why he thought it was okay, that
8 doesn't -- have the ring of truth at all.

9 For what it's worth, the government attempted to find
10 it, through an EZ Pass lookup, through license plate reader
11 lookups, we attempted to find this vehicle. He had it all
12 along. He had it the day he got this and then he sold it for
13 \$250,000.

14 And here is the kicker. Mr. Scott put a \$25,000
15 deposit on another Porsche with that money. That's what he
16 did. He went to Braman Motorcars where he got the other
17 Porsches, and he put a \$25,000 deposit on a more expensive
18 Porsche. So the idea he needs it to pay his expenses and
19 that's the only reason he did it is also undermined by the
20 evidence here.

21 That goes along with all the other issues, the Germany
22 connections, the other people in this case, the access to
23 funds. But this is a person who cannot be trusted. He lied to
24 banks, he lied to financial institutions all over the world, he
25 violate the Court's order. He can't be trusted to come back

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1 facing the sentence that he's facing.

2 MR. DEVLIN-BROWN: If I could just address a couple of
3 things, your Honor. First of all, on the bracelet issue. My
4 understanding, and this is speaking to Mr. Scott, if it even
5 slips off, if something goes wrong with the connection, he gets
6 a call immediately from pretrial services. That's happened
7 once. I am not sure it takes a day is up to date with the
8 latest technology.

9 On the vehicle, again, it's hard to respond to all of
10 this instantly, and I know the government just learned
11 yesterday. They could have told us this morning perhaps. We
12 could have maybe tried to have a response to this.

13 But I can say a couple of things. Number one, there
14 is a difference between producing documents in discovery and
15 giving someone, their attorney, the attorney for someone or a
16 defendant, serving a warrant on them like you must restrain
17 this property or vehicle. Because, for example, we got things
18 the very first day, in terms of seizure warrants, and then they
19 were subsequently Bates stamped and produced in discovery. So,
20 parsing out which may have been produced the first time in
21 discovery and which were not, that's not necessarily easy to
22 do.

23 Also, at this time in the case, I mean, I was getting
24 discovery, I was in the process of transitioning out of the
25 case Mr. Garvin and Mr. Nobles. I provided them with the

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1 discovery. I can't, sitting here right now, say if I forwarded
2 this to Mr. Scott or not. But I think before we say guilty of
3 a federal crime, we should have a chance to like investigate
4 that perhaps.

5 And then, in terms of this \$25,000 deposit on the
6 Porsche, I would like to get more information on that as well.
7 My understanding is that deposit was returned.

8 The point is, there is no reason, I mean, that's a
9 little bit the tail wagging the dog, this Porsche. And it's
10 not fair or appropriate to send someone to jail now without
11 giving us an opportunity to explore that issue.

12 The bigger point is he's never shown any sign, any
13 sign of not wanting to face the music on this, and that
14 continues.

15 THE COURT: As I understand his current bail
16 conditions, he can be in either one of his homes, correct?

17 MR. DEVLIN-BROWN: Yes, your Honor.

18 THE COURT: I'm not going to remand Mr. Scott. What I
19 will do is I will limit him to one home and impose home
20 detention. I do find by clear and convincing evidence, based
21 on everything that I have seen, including the evidence in this
22 case, that I can't get into Mr. Scott's head, but the evidence
23 that I saw was fairly overwhelming. They had to understand at
24 least at a real level that there was a very real possibility
25 that he would be convicted. That has come to pass.

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1 Notwithstanding that, he was here every day. So far as I know,
2 he complied with every condition that was imposed upon him.

3 There is a lot of questions concerning the car in my
4 mind. Not to say that I'm excusing what happened, but there
5 are a lot of questions there, especially in a case that's this
6 large. So I'm not going to make a determination or make a
7 finding at this point that Mr. Scott has broken the law.

8 And to the extent that the government wants to
9 attribute or ascribe the sort of connections and the types of
10 activities that Ruja Ignatova and others in this case took part
11 in, I just don't see Mr. Scott in the same category with
12 respect to that. He, so far as I know, doesn't have criminal
13 connections. So far as I know, was not involved -- outside of
14 the co-conspirators -- with either the mafia or the Hells
15 Angels or the Russian mob or anything else. He was the lawyer
16 in America that was laundering the money. So I don't see those
17 connections and I don't ascribe those connections to him.

18 He has been facing a significant sentence and from the
19 outset, and that hasn't changed.

20 So I do find by clear and convincing evidence that he
21 is not a risk of flight. But again, I will strengthen those
22 conditions. He's limited to one home.

23 Which home will it be?

24 MR. DEVLIN-BROWN: Florida.

25 THE COURT: Florida, and he will be on home detention.

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1 With the ankle bracelet, obviously. Anything else?

2 MR. DEVLIN-BROWN: Just one moment.

3 Your Honor, he's planning to return to Florida
4 tomorrow at some point. And I guess the process will be to
5 check in with pretrial services there to make these
6 arrangements.

7 THE COURT: Very well.

8 MR. DiMASE: Your Honor, we would ask for home
9 incarceration as opposed to home detention in this case.

10 THE COURT: I don't know what the appropriate
11 terminology is, but if that's the appropriate terminology then
12 home incarceration. There are a couple of different
13 categories.

14 MR. DiMASE: Home incarceration is basically you
15 cannot leave your home, period. That's what home incarceration
16 is. Home detention, I believe there can be reasons that
17 somebody --

18 THE COURT: Home incarceration, but he has to come out
19 for sentencing, for example.

20 MR. DiMASE: He would obviously be allowed to attend
21 required court appearances. But home incarceration is a more
22 strict version of it.

23 Is that what the Court is ordering?

24 THE COURT: Yes. Whatever the strictest level of home
25 detention is, that's what I am ordering.

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1 MR. DEVLIN-BROWN: Presumably if he had medical
2 appointments or things of that nature.

3 THE COURT: He has to see them, obviously.

4 Okay? Anything else?

5 MR. GARVIN: Not from the defense.

6 MR. DiMASE: We'll confer with counsel about an
7 appropriate schedule for responding. In my experience often
8 these things get pushed off a little while. So we'll speak
9 with them about setting the appropriate schedule and submit
10 that to the Court.

11 THE COURT: Very well.

12 MR. DiMASE: Thank you.

13 THE COURT: While I'm at it, I want to thank counsel
14 for all of your courtesies throughout this trial. You've been
15 very, very well prepared and have made this process very smooth
16 for all concerned, so I thank you for that.

17 MR. DiMASE: One other thing. I think it would be
18 appropriate also to set a sentencing date at this stage, even
19 if it gets moved.

20 THE COURT: Three months out.

21 THE DEPUTY CLERK: February 21 at 10 a.m.

22 THE COURT: Okay. We are adjourned. You have a lot
23 of stuff in the jury room, so make arrangements to have that
24 taken care of.

25 MR. FOLLY: We will. Thank you, Judge.
(Adjourned)